

Served: October 10, 1996



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation
on the 30th day of September, 1996

Complaint of

NORTHWEST AIRLINES, INC.

against

THE GOVERNMENT OF INDONESIA

under 49 U.S.C. section 41310

Docket OST-96-1547

Complaint of

**UNITED AIR LINES, INC.
1586**

against

THE GOVERNMENT OF INDONESIA

under 49 U.S.C. section 41310

Docket OST-96-

ORDER DISMISSING COMPLAINTS

On July 15 and 23, 1996, respectively, Northwest Airlines, Inc. and United Air Lines, Inc., filed separate complaints under 49 U.S.C. section 41310 against the Government of Indonesia. Both carriers had argued that the Government of Indonesia had refused to grant the necessary authorities to operate their U.S.-Osaka-Jakarta services and that such actions violated the U.S.-Indonesia Air Transport Agreement.

By Order 96-7-38 the Department consolidated the two above-captioned proceedings for contemporaneous consideration and provided an opportunity for answers and replies to the complaints. Answers were filed by the State of Hawaii and the Los Angeles Department of Airports.

Motions

On July 31, and September 13, 1996, Northwest and United, respectively, filed motions to withdraw their complaints. Northwest states that it has obtained a revised license from the Government of Indonesia which expressly grants Northwest the authority to carry fifth-freedom traffic between Osaka and Jakarta in both directions and that this change addresses the concerns raised in Northwest's July 15 complaint. Similarly, United states that it has received from the Indonesian government authority to operate services over its San Francisco-Osaka-Jakarta routing and that this change addresses the concerns raised in United's July 23 complaint.

The State of Hawaii filed in support of Northwest's motion. No answers were filed to United's motion.

In light of these circumstances, we believe the public interest will best be served by dismissing the two complaints against the Government of Indonesia and terminating the captioned proceedings.

ACCORDINGLY,

1. We grant the motions of Northwest Airlines, Inc., and United Air Lines, Inc. to withdraw their complaints in Dockets OST-96-1547 and OST-96-1586;
2. We dismiss, without prejudice, the complaint of Northwest Airlines, Inc., in Docket OST-96-1547;
3. We dismiss, without prejudice, the complaint of United Air Lines, Inc., in Docket OST-96-1586;
4. We terminate the proceedings in Dockets OST-96-1547 and OST-96-1586; and
5. We will serve this order on Northwest Airlines, Inc.; United Air Lines, Inc.; the State of Hawaii; the Los Angeles Department of Airports; Garuda Indonesia Airlines; the Ambassador of Indonesia in Washington, D.C.; the United States Department of State (Office of Aviation Negotiations); the Assistant U.S. Trade Representative (Asia), Office

of the United States Trade Representative; the United States Department of Commerce (Office of Service Industries); and the Air Transport Association.

By:

CHARLES A. HUNNICUTT
Assistant Secretary for Aviation
and International Affairs

(SEAL)